

### Remarks

The office action mailed October 1, 2003 rejected claims 1-22 as anticipated or alternatively as obvious, on the basis of US patent 6, 210,758 to McNeil. The office action stated that the McNeil reference taught a coating composition comprising Bayhydrol, polyurethane dispersion, acrylic polymer having a Tg at least 20° higher than the polyurethane and an equivalent weight of 100 or less, a crosslinking component. The composition is salted with dimethylethanolamine and the acrylic resin is made with a chain transfer agent. The composition is substantially solvent free.

The office action stated that claims 23-28 were anticipated or alternatively obvious, on the basis of US patent 6, 210,758 to McNeil. The office action stated that McNeil disclosed a single layer of the coating described therein topped with a clearcoat. Claim 23 defines two layers of the coating before adding a clearcoat. It was stated that when a reference teaches a product that appears to be the same as a product set forth in a product by process claim, but made by a different process, the burden is on the applicant to show a difference. The office action stated that two layers of the coating together would be the same as a single layer of coating.

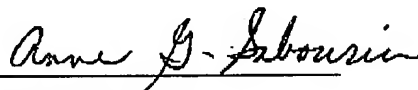
Applicants submit that the instant claims are distinguished over the McNeil as they define a single basecoat composition containing a metallic or inorganic flake pigment together with the polyurethane and acrylic polymers and crosslinker as defined therein. McNeil defines a method of applying a first chip resistant primer followed by application of a primer comprising acrylic, polyurethane and crosslinker. The basecoat of the present invention provides good metal control. Metal control of the cured coating is described in par.3, lines 7-16 (pages 1-2) of the specification. Metal control in the cured coating provides brightness that increases when viewed at an angle of 90° to the surface and darkness that increases when viewed at oblique angles (flop). The primer composition taught by McNeil does not contain metallic or inorganic flake pigment. Since the coating does not have metallic or inorganic flake pigment as defined herein it does not provide metal control as described herein. Accordingly, Applicants submit that claims 1-22 are not anticipated by McNeil. McNeil does not render these claims

obvious for the reason it does not suggest or define a basecoat composition comprising metal or inorganic flake pigments.

Applicants submit that claims 23-28 are not anticipated or obvious over McNeil for the reason that the coating defined in McNeil is not a basecoat as defined herein and as discussed above the primer does not contain metallic or inorganic flake pigments as defined in the instant claims.

Applicants respectfully request withdrawal of the rejections to the claims and allowance of the claims.

Respectfully submitted,



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